

Customer No.: 31561  
Application No.: 10/711,471  
Docket NO.: 13363-US-PA

### REMARKS

#### Present Status of the Application

The Office Action rejected claims 1-2, 4 under 35 U.S.C. 102(b), as being anticipated by O'Loughlin (U.S. 5,567,995). The Office Action also rejected claims 3 and 5 under 35 U.S.C. 103(a) as being unpatentable over O'Loughlin. Claim 15 is objected to as being dependent upon a rejected base claim. In addition, claims 6-14 has been allowed.

No claim is amended. Claims 1-15 remain pending in the present application, and reconsideration of those claims is respectfully requested.

#### Discussion of Office Action Rejections

*Applicants respectfully traverse the 102(b) rejection of claims 1-2, 4 because O'Loughlin (U.S. 5,567,995) does not teach every element recited in these claims.*

In order to properly anticipate Applicants' claimed invention under 35 U.S.C 102, each and every element of claim in issue must be found, "either expressly or inherently described, in a single prior art reference". "The identical invention must be shown in as complete details as is contained in the .... claim. Richardson v. Suzuki Motor Co., 868 F. 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." See M.P.E.P. 2131, 8<sup>th</sup> ed., 2001.

The present invention is in general related a capacitor structure as claim 1 recites:

Claim 1. A capacitor structure, comprising:  
a conductive layer, wherein the conductive layer has a first spiral pattern and a second spiral pattern arranged alternatively with respect to each other, *the terminal of the first spiral pattern and the terminal of the second spiral pattern at the outside of the capacitor structure extend to different directions*; and

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a dielectric layer, disposed between the first spiral pattern and the second spiral pattern.

The office action points out in Fig. 6 of the citation the conductor A(1) is as the first spiral pattern of claim 1, the conductor B(2) is as the second spiral pattern of claim 1, and the terminal A1(1) and the terminal B3(3) extend to different directions. However, Applicants do not agree. This is because Fig. 6 is a cross-sectional view of a spiral generator as shown in Fig. 4A. Fig. 6 is just a portion of a spiral generator. The terminal A1(1) and the terminal B3(3) shown in fig. 6 are not real end terminals of the conductor A(n) and the conductor B(n) of a spiral generator. These two terminals A1(1) and B3(3) shown in Fig. 6 are just parts of the conductor A(n) and the conductor B(n), respectively. As col. 6, lines 58-62 discloses, the spiral of Fig. 6 is formed by grouping two sets of three conductors. The two sets are indicated as A(n) and B(n) wherein the index n related to the number of the turn when the sets are wound into a spiral. All the "B" conductors are electrically connected and all the "A" are electrically connected (col. 6, lines 55-57). If the structure of Fig. 6 is a complete capacitor, the conductors A(1), A(2) and the conductors B(1) and B(2) are just strip conductors but not spiral conductors.

*Actually, the end terminals of A(n) and B(n) at the outside or inside of the capacitor extend to the same direction (as shown in Fig. 4A) in the citation.* Therefore, O'Loughlin fails to disclose, teach or suggest the terminal of the first spiral pattern and the terminal of the second spiral pattern at the outside of the capacitor structure extend to different directions.

Because in claim 1 of the present invention the terminal of the first spiral pattern and the terminal of the second spiral pattern at the outside of the capacitor structure extend to different

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directions, the terminals of the first and second spiral patterns at the outside of the capacitor structure can be respectively electrically connected to a corresponding voltage. If the terminals of the first and second spiral patterns extend to the same direction, they may be short to each other because the capacitor of the present invention is formed on a chip and the size of the capacitor is minimized.

For at least the foregoing reasons, Applicant respectfully submits that independent claim 1 patently define over the prior art reference, and should be allowed. For at least the same reasons, dependent claims 2-5 patently define over the prior art as well.

*Applicants respectfully traverse the rejection of claims 3, 5 under 103(a) as being unpatentable over O'Loughlin because a prima facie case of obviousness has not been established by the Office Action.*

To establish a prima facie case of obviousness under 35 U.S.C. 103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of the three requirements must "be found in the prior art, and not be based on applicant's disclosure." See M.P.E.P. 2143, 8<sup>th</sup> ed., February 2003.

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Applicants submit that, as disclosed above, O'Loughlin fails to teach or suggest each and every element of claim 1 from which claims 3, 5 depend. Because independent claim 1 is allowable over the prior art of record, its dependent claims 3, 5 are allowable as a matter of law, for at least the reason that these dependent claims contain all features of their respective independent claim 1.

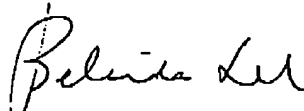
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**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

  
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